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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,135	09/21/2001	Mark Newton	BA1525365/01362	4991
24118	7590	09/22/2004	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			TRAN, TRANG U	
		ART UNIT		PAPER NUMBER
		2614		H

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/960,135	NEWTON, MARK
	<b>Examiner</b> Trang U. Tran	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 September 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4,11-18,22,23 and 25 is/are rejected.  
 7) Claim(s) 5-10,19-21 and 24 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4, 11, 13-18, 22-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeo Ohishi (EP Patent No. 0 914 101 A2).

In considering claim 1, Takeo Ohishi discloses all the claimed subject matter, note 1) the claimed a method for the production of a pseudo stable reference control for the reliable generation of composite video signals from a broadcast data receiver receiving video, audio and/or auxiliary, data from a broadcaster, said broadcast data receiver having storage means in which to store data is met by the broadcast receiver system which includes the clock generating section 100 (Figs. 3-4, col. 5, line 40 to col. 11, line 25), 2) the claimed said broadcast data receiver producing a pseudo stable reference by extracting/deriving at least one value from frequency information embedded in incoming broadcast data is met by the PCR detector 202 which extracts a PCR signal from packets of the program of interest in the received digital broadcasting

signal or the reproduced digital broadcast signal (Fig. 4, col. 7, lines 10-52), and 3) the claimed using said pseudo stable reference to control the frequency of a voltage controlled crystal oscillator in said broadcast data receiver, thereby allowing accurate color sub-carrier frequency generation for the generation of a video output via said broadcast data receiver, or a videocassette recorder communicating with said broadcast data receiver is met by the VCO 206 which generates a system clock signal (a reference clock signal) in response to the control voltage (Fig. 4, col. 7, line 10 to col. 11, line 25).

In considering claim 2, the claimed wherein said derived pseudo stable reference is stored in said storage means and updated at pre-determined time intervals is met by the PCR detector 22 which generates control pulse at every standard time position determined by the extracted PCR signal and the output to the recording and reproducing system 123 (Fig. 3, col. 5, line 25 to col. 7, line 9).

In considering claim 4, the claimed wherein said broadcast data receiver is provided with micro-processing means which may extract the frequency information embedded in the incoming data streams and produce a suitable pulse width modulated signal to control the frequency of said voltage controlled crystal oscillator is met by the PCR detector 22 which generates control pulse at every standard time position determined by the extracted PCR signal and the comparator 203 which compares the reference data and the latched count-value signal, generating a PWM (pulse width modulation) signal in response to the result of the comparison (Fig. 4, col. 7, line 10 to col. 11, line 25).

In considering claim 11, the claimed wherein timer means are provided in said broadcast data receiver to allow a pre-determined time period to pass before the micro-processing means extracts/records said at least one value from said incoming data stream is met by the PCR detector 22 which generates control pulse at every standard time position determined by the extracted PCR signal (Fig. 3, col. 5, line 25 to col. 7, line 9).

In considering claim 13, the claimed wherein said timer means is information derived from digital video broadcast service information is met by reference information (Fig. 2, col. 5, lines 25-39).

In considering claim 14, the claimed wherein said at least one value is derived by locking the frequency of said voltage controlled crystal oscillator in said broadcast data receiver to an off air data stream and using the frequency information embedded in said off air data stream as said pseudo stable reference to control the frequency of said voltage controlled crystal oscillator is met by when the switch 205 connects the low pass filter 204 and the VCO 206, the devices 202-207 compose a PLL circuit which locks the phase of the system clock signal to the PCR signal detected by the PCR detector 202 (either form digital broadcast signal or reproducing digital broadcast signal) (Figs. 3 and 4, col. 9, line 33 to col. 10, line 22).

In considering claim 15, the claimed wherein if there is a choice of digital or analogue broadcast signals from which said at least one value may be derived therefrom, said broadcast data receiver derives said at least one value from an

analogue data signal is met by the selected output signal from the D/A converter (Fig. 4, col. 9, line 9 to col. 10, line 48).

In considering claim 16, the claimed wherein locking of the frequency of said voltage controlled crystal oscillator within said broadcast data receiver to an off air data stream is undertaken during or at the same time as playback of data stored in said broadcast data receiver/or videocassette recorder is met by when the switch 205 connects the low pass filter 204 and the VCO 206, the devices 202-207 compose a PLL circuit which locks the phase of the system clock signal to the PCR signal detected by the PCR detector 202 (either form digital broadcast signal or reproducing digital broadcast signal) (Figs. 3 and 4, col. 9, line 33 to col. 10, line 22).

In considering claim 17, the claimed wherein said broadcast data receiver records and stores at least one extracted stable frequency reference value from the off air data stream at pre-determined time intervals, so that if locking of said broadcast data receiver to the off air data stream is lost during playback of stored data from said broadcast data receiver and/or videocassette recorder, said broadcast data receiver uses the last recorded stable frequency reference value to continue playback of the stored data is met by the output signal of the D/A converter 212 is fed to the VCO 206 as a control voltage which occurs during the previous reception mode of operation, the system clock signal generated by the VCO 206 can be stabilized (Figs. 3 and 4, col. 9, line 33 to col. 10, line 22).

In considering claim 18, the claimed wherein once locking of said broadcast data receiver to the off air data stream is resumed, the last recorded stable frequency

reference value is discarded and the stable frequency value taken from the off air data stream is used is met by the output signal of the D/A converter 212 is fed to the VCO 206 as a control voltage which occurs during the previous reception mode of operation, the system clock signal generated by the VCO 206 can be stabilized (Figs. 3 and 4, col. 9, line 33 to col. 10, line 22).

Claim 22 is rejected for the same reason as discussed in claim 1.

In considering claim 23, the claimed wherein said pseudo stable reference is used when at least one of said broadcast data receiver and videocassette recorder is deriving video data from said storage means is met by the output signal of the D/A converter 212 is fed to the VCO 206 as a control voltage which occurs during the previous reception mode of operation, the system clock signal generated by the VCO 206 can be stabilized (Figs. 3 and 4, col. 9, line 33 to col. 10, line 22).

Claim 25 is rejected for the same reason as discussed in claim 14.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo Ohishi (EP Patent No. 0 914 101 A2).

In considering claim 3, Takeo Ohishi discloses all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein said

storage means is in the form of a hard disk drive. The capability of using storage means is in the form of a hard disk drive is old and well known in the art. Therefore, the Official Notice is taken. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known of using storage means is in the form of a hard disk drive into Takeo Ohishi' system in order to decrease the accessing time of the desired video signal because the hard disk drive has random access capability.

In considering claim 12, Takeo Ohishi discloses all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein said timer means is a real time clock embedded in the incoming data. The capability of using real time clock embedded in the incoming data is old and well known in the art. Therefore, the Official Notice is taken. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known of using real time clock embedded in the incoming data into Takeo Ohishi' system in order to synchronize the incoming data.

***Allowable Subject Matter***

6. Claims 5-10, 19-21 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang (US Patent No. 6,380,980 B1) discloses method and apparatus for recovering video color subcarrier signal.

Numata (US Patent No. 6,449,231 B1) discloses storage unit, optical recording medium and information recoding method.

Sawada (US Patent No. 6,185,364 B1) discloses image and sound reproducing device.

Malcolm, Jr. et al (US Patent No. 6,052,152) disclose digital carrier synthesis by counting cycles for synchronization to a reference signal that is asynchronous with respect to a digital sampling clock.

Ohishi et al. (US Patent No. 6,011,899) disclose packet data system recording time stamps and packet data on tracks formed on a storage medium in synchronism with changes in time stamp values.

Iwasaki et al (US Patent No. 6,014,349) disclose storage apparatus using variable read clock frequencies for reading zcav recording medium.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT  
May 27, 2004

MICHAEL H. LEE  
PRIMARY EXAMINER